

SENATE BILL No. 162

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-21-3-4; IC 16-34.5; IC 25-22.5-8-5; IC 35-46-5.

Synopsis: Human cloning. Declares that human cloning is against public policy. Prohibits the state, a state educational institution, or a political subdivision of the state from using resources to knowingly participate in human cloning activities. Requires the state department of health to revoke the license of a hospital that knowingly allows human cloning activities. Requires the medical licensing board to revoke the license of a physician who knowingly participates in human cloning. Makes: (1) the unlawful participation in; (2) the implantation or the attempt to implant the product of; and (3) the shipment or receipt of the product of; human cloning a Class D felony. Makes the purchase or sale of a human ovum, zygote, embryo, or fetus a Class C felony.

Effective: Upon passage.

Miller

January 6, 2004, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 162

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-56.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 56.5. (a) "Cloning" means the**
4 **use of asexual reproduction to create or grow a human embryo**
5 **from a single cell or cells of a genetically identical human.**

6 **(b) The term does not include a treatment or procedure to**
7 **enhance human reproductive capability through the manipulation**
8 **of human oocytes or embryos, including the following:**

9 **(1) In vitro fertilization.**

10 **(2) Gamete intrafallopian transfer.**

11 **(3) Zygote intrafallopian transfer.**

12 SECTION 2. IC 16-18-2-183.5 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: **Sec. 183.5. "Human embryo"**
15 **means a human egg cell with a full genetic composition capable of**
16 **differentiating and maturing into a complete human being.**

17 SECTION 3. IC 16-21-3-4 IS ADDED TO THE INDIANA CODE



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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. Notwithstanding section 1 of this chapter, the state department shall revoke the license of a hospital licensed under this article if, after appropriate notice and an opportunity for a hearing, the state health commissioner proves by a preponderance of the evidence that the hospital:**

(1) knowingly allows the hospital's facilities to be used for cloning or attempted cloning; or

(2) knowingly allows the hospital's employees, in the course of the employee's employment, to participate in cloning or attempted cloning.

SECTION 4. IC 16-34.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 34.5. CLONING

Chapter 1. Public Policy Against Human Cloning

Sec. 1. The general assembly declares that human cloning is against public policy.

Sec. 2. The state, a state educational institution (as defined in IC 20-12-0.5-1), or a political subdivision of the state may not use public funds, facilities, or employees to knowingly participate in cloning or attempted cloning.

SECTION 5. IC 25-22.5-8-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.**

(b) Notwithstanding IC 25-1-9, the board shall revoke the license of a physician if, after appropriate notice and an opportunity for a hearing, the attorney general proves by a preponderance of the evidence that the physician knowingly participated in cloning or attempted cloning.

SECTION 6. IC 35-46-5-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) This section does not apply to in vitro fertilization.**

(b) As used in this section, "cloning" has the meaning set forth in IC 16-18-2-56.5.

(c) A person who knowingly or intentionally:

(1) participates in cloning;

(2) implants or attempts to implant the product of cloning into a uterine environment to initiate a pregnancy; or

(3) ships or receives the product of cloning;

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1 **commits unlawful participation in human cloning, a Class D felony.**
2 SECTION 7. IC 35-46-5-3 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: **Sec. 3. A person who knowingly or intentionally**
5 **purchases or sells a human ovum, zygote, embryo, or fetus commits**
6 **unlawful transfer of a human organism, a Class C felony.**
7 SECTION 8. **An emergency is declared for this act.**

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